

## Social Security Administration

## § 436.75

436.960 Ineligible or ineligibility.  
 436.965 Legal proceedings.  
 436.970 Nonprocurement transaction.  
 436.975 Notice.  
 436.980 Participant.  
 436.985 Person.  
 436.990 Preponderance of the evidence.  
 436.995 Principal.  
 436.1000 Respondent.  
 436.1005 State.  
 436.1010 Suspending official.  
 436.1015 Suspension.  
 436.1020 Voluntary exclusion or voluntarily excluded.

AUTHORITY: 42 U.S.C. 902(a)(5); Sec. 2455, Pub. L. 103-355, 108 Stat. 3327; E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

SOURCE: 68 FR 66544, 66578, Nov. 26, 2003, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 436 appear at 68 FR 66579, Nov. 26, 2003.

### § 436.25 How is this part organized?

(a) This part is subdivided into ten subparts. Each subpart contains information related to a broad topic or specific audience with special responsibilities, as shown in the following table:

### Subpart J [Reserved]

#### APPENDIX TO PART 436—COVERED TRANSACTIONS

In subpart . . .	You will find provisions related to . . .
A .....	general information about this rule.
B .....	the types of SSA transactions that are covered by the Governmentwide nonprocurement suspension and debarment system.
C .....	the responsibilities of persons who participate in covered transactions.
D .....	the responsibilities of SSA officials who are authorized to enter into covered transactions.
E .....	the responsibilities of Federal agencies for the <i>Excluded Parties List System</i> (Disseminated by the General Services Administration).
F .....	the general principles governing suspension, debarment, voluntary exclusion and settlement.
G .....	suspension actions.
H .....	debarment actions.
I .....	definitions of terms used in this part.
J .....	[Reserved]

(b) The following table shows which subparts may be of special interest to you, depending on who you are:

If you are . . .	See subpart(s) . . .
(1) a participant or principal in a non-procurement transaction.	A, B, C, and I.
(2) a respondent in a suspension action	A, B, F, G and I.
(3) a respondent in a debarment action	A, B, F, H and I.
(4) a suspending official .....	A, B, D, E, F, G and I.
(5) a debarring official .....	A, B, D, E, F, H and I.
(6) a (n) SSA official authorized to enter into a covered transaction.	A, B, D, E and I.
(7) Reserved .....	J.

### § 436.50 How is this part written?

(a) This part uses a “plain language” format to make it easier for the general public and business community to use. The section headings and text, often in the form of questions and answers, must be read together.

(b) Pronouns used within this part, such as “I” and “you,” change from subpart to subpart depending on the audience being addressed. The pronoun “we” always is the SSA.

(c) The “Covered Transactions” diagram in the appendix to this part shows the levels or “tiers” at which the SSA enforces an exclusion under this part.

### § 436.75 Do terms in this part have special meanings?

This part uses terms throughout the text that have special meaning. Those terms are defined in Subpart I of this part. For example, three important terms are—

(a) *Exclusion or excluded*, which refers only to discretionary actions taken by a suspending or debarring official under this part or the Federal Acquisition Regulation (48 CFR part 9, subpart 9.4);

(b) *Disqualification or disqualified*, which refers to prohibitions under specific statutes, executive orders (other than Executive Order 12549 and Executive Order 12689), or other authorities. Disqualifications frequently are not subject to the discretion of an agency official, may have a different scope